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2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

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5 Thomas LaMarco and Diane LaMarco,

6 Plaintiffs, Civil Index No:  
21 Civ. 3716

7 -against-

8 Suffolk County, New York, Commissioner

9 Rodney Harrison, Individually and in

10 his Professional capacity, Captain

11 William Scrima, Individually, Sgt.

12 William Walsh, Individually, Police

13 Officer "John" Plihcik, Individually,

14 and "John Does 1-5", Individually,

15 Defendants.

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17 100 Federal Plaza  
18 Central Islip, New York

19 November 21, 2023  
9:57 a.m.

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21 Deposition of Defendant

22 POLICE OFFICER CIARA PLIHCIK,

23 pursuant to Notice, before Diana

24 Mitchell, a Notary Public of the

25 State of New York.

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Q Are you regularly assigned to  
the window?

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A No, not regularly, but  
sometimes.

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Q Is that like if somebody is  
out sick you fill in?

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A Correct.

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Q So if you don't generally  
handle the renewals as an applicant  
investigator, who would handle the  
renewals in the office?

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A Initially it would go to one  
of the secretarial staff members.

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Q And then where would it go?

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A Well, it depends.

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Q If you know, so walk me  
through the different scenarios.

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A I'm not overly familiar with  
it because I'm not involved with it, but  
it's my understanding that if there is no  
issues, then the renewal will be  
approved, if an issue comes up, then it  
would go to a supervisor.

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Q Can the secretaries approve

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2 the renewals if there is no issue or do  
3 they still need to go to a supervisor?

4 A I don't know.

5 Q In this case with the  
6 LaMarcos, you are aware that the issues  
7 of the nonreporting of Matthew's mental  
8 health treatment arose from the LaMarcos'  
9 renewal of their pistol licenses; is that  
10 correct?

11 A Yes.

12 Q What is your understanding or  
13 what is your knowledge of how that came  
14 to the --

15 A I wasn't aware.

16 Q You have to wait. I am  
17 sorry, I know I paused and I apologize.

18 -- to the Licensing Bureau's  
19 attention?

20 A I was aware of it when I was  
21 assigned the files.

22 Q Do you recall approximately  
23 when you were assigned the files?

24 A Approximately April of '21.

25 Q What information did you have

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2 at the point in time where you were  
3 assigned their files?

4 A I was notified that they had  
5 failed to notify Pistol Licensing Bureau  
6 of a mental health issue within their  
7 household as they were required to do so.

8 Q Had their licenses been  
9 suspended at that point in time already?

10 A When I received the file?

11 Q Yes.

12 A Yes.

13 Q Did you receive a hardcopy  
14 file or just --

15 A Hardcopy.

16 Q Since being assigned to the  
17 Pistol Licensing Bureau in or around  
18 2017, what, if any, training did you  
19 receive with regard to pistol licensing?

20 A When I first got there, I was  
21 trained by another police officer or by  
22 my team.

23 Q When you say "team," who do  
24 you mean?

25 A So we have three teams, back

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2 then, I don't know if I had teams back  
3 then, but by the other police officers  
4 and civilians in the office.

5 Q I'm sorry, were you done with  
6 your answer?

7 A Yes.

8 Q Now you have three teams?

9 A Yes.

10 Q Have you had three teams  
11 since 2020?

12 A I believe so.

13 Q Since you were assigned the  
14 suspension?

15 A I believe so.

16 Q And what are those three  
17 teams?

18 A We have team 1, 2 and 3.

19 There are people assigned to each team.

20 Q Do they have the same duties  
21 and responsibilities?

22 A Yes.

23 Q What is the difference  
24 between and among the teams?

25 A There are really no

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2 differences. They're made up of  
3 civilians and police officers.

4 Q So just getting back to the  
5 training, what, if any, training do you  
6 recall receiving when you first began in  
7 the Pistol Licensing Bureau?

8 A I don't recall specifics.

9 Q Was it just on-the-job  
10 training or any formal training?

11 A I think it was just  
12 on-the-job training.

13 Q Was it just specific to the  
14 procedures in Pistol Licensing?

15 A I don't recall.

16 Q Since 2017 have you received  
17 any other training with regard to pistol  
18 licensing?

19 A I don't -- I don't know.

20 Q Within the last five years  
21 have you received any training with  
22 regard to pistol licensing?

23 A I don't recall.

24 Q Is there a legal department  
25 within the Suffolk County Police

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2 Department?

3 A Yes.

4 Q Have you received, or  
5 generally to your knowledge, has the  
6 Licensing Bureau received any training  
7 from the legal department within the last  
8 five years?

9 A Not that I'm aware of.

10 Q Have you received any  
11 training with regard to constitutional  
12 issues or 2nd Amendment-related rights in  
13 your assignment to the Pistol Licensing  
14 Bureau during official training?

15 A No.

16 Q How about unofficial?

17 A I mean, we discuss sometimes.

18 Q Is it just discussions  
19 between and among the Licensing Bureau  
20 staff or is it supervisory discussions  
21 with the staff?

22 A I would say both.

23 Q What was the sum and  
24 substance of those conversations?

25 A I can't recall specific

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2 conversations, it's just as things evolve  
3 we discuss them.

4 Q You can't think of any  
5 incidents at all?

6 A No.

7 Q What about Thomas LaMarco and  
8 his eligibility to possess firearms  
9 generally was negatively affected by his  
10 son's ineligibility to possess firearms?

11 A Are you asking me why it was  
12 suspended?

13 Q No, I am asking you how  
14 Thomas LaMarco is ineligible to possess  
15 handguns because his son happens to be  
16 ineligible to possess handguns?

17 MS. ZWILLING: Objection.

18 You may answer.

19 A Because it's a common  
20 practice at the Pistol Licensing Bureau  
21 that the entire household is held to the  
22 same standard as the licensee, the same  
23 eligibility.

24 Q Who came up with that idea?

25 A I don't know.

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2 Q Has it always been that way  
3 since you worked there?

4 A Since I worked there, yes.

5 Q Have there been any  
6 discussions with the Licensing Bureau  
7 that you were involved in or personally  
8 heard regarding an individual's right to  
9 possess firearms versus another person  
10 that lives in the household?

11 A No, it's just been our common  
12 practice that everybody, if one person in  
13 the household is not eligible, the entire  
14 household is held to that.

15 Q So under what circumstances  
16 would the LaMarcos be able to have their  
17 suspension lifted?

18 A If they receive a note from  
19 their son's treating physician stating  
20 that there's no issues with him residing  
21 in a home with firearms or if his son  
22 moved out of his home.

23 Q What would the circumstances  
24 be if their son isn't able to obtain a  
25 note from a physician?

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2 Q Did you ever learn from the  
3 LaMarcos how they store their firearms?

4 A I believe it's in the file.

5 I don't recall if it's in their statement  
6 or it's in your letter, but yes, there is  
7 reference to how they store their  
8 firearms.

9 Q Did you take that as true or  
10 it wasn't relevant?

11 A It wasn't relevant.

12 Q How come?

13 A Because their safe storage of  
14 the firearms is not under debate, it's  
15 not under question.

16 Q Oh, okay, so you're taking  
17 that as true then that they do safely  
18 store their firearms in the manner they  
19 describe?

20 A I am not taking it any way.  
21 I haven't witnessed it myself.

22 Q If the LaMarcos store their  
23 firearms in such a manner that they are  
24 not accessible to their son Matthew or  
25 any other third party, then why can't

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2                   their suspension be lifted?

3                   A        Again, as the common practice  
4                   in my office, that if one person is in  
5                   the household is ineligible, then the  
6                   entire household is ineligible.

7                   Q        Is Matthew ineligible to  
8                   possess firearms?

9                   A        Yes.

10                  Q        And how so?

11                  A        Because we would require a  
12                  doctor's note stating that he is capable  
13                  of possessing firearms before he would  
14                  get approved.

15                  Q        Based on what? In other  
16                  words, what information do you have in  
17                  your files that indicate that Matthew is  
18                  firearms prohibited?

19                  A        He was transported to psyche  
20                  ward for a mental health evaluation.

21                  Q        And a transport itself is  
22                  enough to disqualify someone from  
23                  firearms possession?

24                  A        Yes.

25                  Q        You said a few times that

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2 system?

3 A That occurred.

4 Q Okay, and if there was  
5 nothing reported in the system as a  
6 result of their background check, you're  
7 going to ask them if there were any other  
8 incidents that occurred?

9 A Yes, I would ask them for an  
10 updated statement.

11 Q And then you would check that  
12 to see whether they reported those  
13 incidents to the Pistol Licensing Bureau  
14 in accordance with the handbook?

15 A Yes, I would do a thorough  
16 background check.

17 Q And if there were additional  
18 incidents that didn't show up in your  
19 background check that they didn't report  
20 to the Pistol Licensing Bureau, that  
21 would further cause a suspension of  
22 their --

23 A It's possible.

24 Q Because they didn't comply  
25 with the handbook?

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2 A Correct.

3 Q Which is not a law under New  
4 York State law?

5 A I don't know.

6 Are you asking me to quote  
7 the law?

8 Q Well, you know, you're a  
9 police officer working in the Pistol  
10 Licensing Bureau, do you think that --

11 MS. ZWILLING: She's not an  
12 attorney.

13 Q -- do you think that it is  
14 your responsibility as a police officer  
15 enforcing the pistol licensing rules and  
16 regulations to know what the state of the  
17 law is?

18 MS. ZWILLING: Objection.

19 You may answer.

20 A I follow the common practice  
21 of our office.

22 Q Without question?

23 A Yes.

24 Q Assuming there were no other  
25 incidents listed in the LaMarco